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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,176	03/01/2002	Robert A. Allexon	MNG-3 30347	2624
26614	7590	12/31/2003	EXAMINER	
PEPE & HAZARD, LLP 225 ASYLUM ST. HARTFORD, CT 06103			HARRIS, ERICA B	
			ART UNIT	PAPER NUMBER

3634

DATE MAILED: 12/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/087,176

Applicant(s)

ALLEXON ET AL.

Examiner

Erica B Harris

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18-20 is/are allowed.
- 6) ☒ Claim(s) 1,4-6,10,11,13,15 and 16 is/are rejected.
- 7) ☒ Claim(s) 2,3,7-9,12,14 and 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 April 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

on page 5, line 18, "rear wall 16" should be --rear wall 12--;

on page 6, line 11, "walls 24, 25 and of the rear wall 12 are 66, 68 which seat"

should be --walls 24, 25 and of the rear wall 12 are flanges 66, 68 which seat--;

line 17, "slots 54 of the rear wall 16" should be --slots 38 of the rear wall 12--;

the paragraph including lines 19-24 is replete with apparent reference numeral errors because the numbers do not agree with the figures the paragraph is said to describe;

on page 7, line 7, "flange 66 abuts the flange" should be --flange 66 abuts the flange 70--;

the paragraphs including lines 8-24 is replete with apparent reference numeral errors because the numbers do not agree with the figures the paragraph is said to describe.

Appropriate correction is required.

Drawings

2. The drawings are objected to because:

in Figure 11, the lead line extending from reference number "12" should not end in an arrow;

in Figure 2, the reference number in the lower left corner of the figure is unclear, it appears to be "58", but it should be --28--; and the reference number in the lower right corner is unclear, it appears to be "50", but it should be --60--;

in Figure 4, it is unclear how the supports engage the flanges on the end covers if the end covers are received by the flanges of the end wall members because no openings are shown in the end wall members; and

Figures 4 and 6 do not correspond, i.e. the cover is received over the outward flanges 28 in Figure 6, but in Figure 4 it is received within the inward flanges 28.

3. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

4. Claims 7, 15, and 20 are objected to because of the following informalities: in claims 7, 15, and 20, lines 4-5, "being spaced upwardly from said one wall" should be --being spaced upwardly from said one support wall--. Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 4, 5, 11, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barnhardt (3,999,662) in view of Johansen *et al.* (5,222,610). In Figures 2-6, Barnhardt discloses a modular bin 21 comprising a pair of spaced end walls 28,29; a rear wall 27 extending therebetween; at least one support wall 32 extending between said end walls 28,29 and abutting said rear wall 27; at least one divider wall 38 extending parallel to and intermediate said end walls 28,29 to define a multiplicity of compartments. Each of the rear wall 27 and the support wall 32 includes a plurality of slots 41,55 and 36, respectively, therein to seat tabs 40 and bottom portions of the dividers 38 therein.

Johansen *et al.*, in Figures 1-4, discloses a modular structure comprising end walls 20 that have a pair of outwardly angled flanges, defined by projection 21, extending along its side margins and the other end wall has inwardly angled flanges, defined by recess 22, extending along its side margins. The oppositely extending flanges at opposing ends of each structure enable the structure to be expanded without using tools or separate attachment elements. To one of ordinary skill in the art at the time the invention was made, it would have been obvious to include opposing sets of flanges, as taught by Johansen *et al.*, on the modular bin of Barnhardt in order to enable the bin to be easily and quickly expanded or condensed.

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7. Claims 6 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barnhardt and Johansen *et al.* as applied to claims 1, 4, 5, 11, and 13 above, and further in view of Carroll (5,702,011). All of the limitations of these claims are disclosed above by Barnhardt and Johansen *et al.* with the exception of the support wall having flanges at its ends which are secured to said end walls by securing means. Carroll, in Figures 10a-c, discloses a modular assembly comprising a pair of end walls 227, a plurality of dividers 223, and a plurality of support walls 222 secured both to the end walls 227 and the dividers 223 by flanges formed on opposing ends of the support walls 222 being received in brackets 228. It would have been obvious to one of ordinary skill in the art at the time the invention was made to secure the support wall of Barnhardt within the bin by attaching the opposing ends thereof to the end walls thereof, as taught by Carroll, in order to provide a more stable support wall.

8. Claims 10 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barnhardt and Johansen *et al.* as applied to claims 1, 4, 5, 11, and 13 above, and further in view of Zingeser (4,775,057). Barnhardt and Johansen *et al.* disclose all of the limitations of these claims with the exception of the support wall being inclined downwardly towards said rear wall. In Figures 1, 3, and 5, Zingeser discloses structure for receiving syringes and needles, wherein the support walls 14,15 thereof are inclined downwardly towards said rear wall to prevent items mounted therein from being readily or accidentally dislodged from the structure. To one of ordinary skill in the art at the time the invention was made, it would have been obvious to incline the support wall of Barnhardt downwardly towards said rear wall, as taught by Zingeser, in order to prevent money in the bin from being readily or accidentally dislodged therefrom.

Allowable Subject Matter

9. Claims 2, 3, 7-9, 12, 14, and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Claims 18-20 are allowed.

11. The following is a statement of reasons for the indication of allowable subject matter: These claims have been found to be allowable over the prior art of record because the prior art of record neither teaches nor suggests a modular bin assembly recited in claim 18, with particular attention to the end cover members that have mating flanges for the flanges of the end wall members (claims 8, 9, 17, and 18).

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Armour (2,642,330), Gibbons (1,120,924), Jeter (5,630,658), Lee (4,423,913), O'Neill (3,870,156), and Shaffer (4,949,851) are cited to further illustrate the current state of the art of modular assemblies.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erica B Harris whose telephone number is 703-306-9071. The examiner can normally be reached on 9-5:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P Stodola can be reached on 703-308-2686. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9326.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.

Erica B. Harris

Erica B. Harris

December 15, 2003

Daniel P. Stodola

DANIEL P. STODOLA
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